No. 11791—*Ex. F.* 3-1901, *dated Bangalore, 17th January* 1902.

Under Section 29 of the Mysore Excise Regulation, No. V. of 1901, and in exercise of all other powers enabling them in this behalf, the Government of Mysore are pleased to make the following Rules in supersession of all existing rules on the subject of the disposal of the exclusive privilege of selling Toddy in Shops or Groups of Shops and the grant of Licenses for sale, for the tapping of Toddy-producing trees, &c.

PART I.

I. The exclusive privilege of selling toddy in each shop or group of shops, for each year or any other period that may be specially fixed by Government, shall be disposed of by sale by public auction. Toddy shops in alienated villages shall be separately sold, and the amounts connected therewith shall be shown in the accounts under a distinct head.

II. The sales shall be conducted by the Deputy Commissioner or a Revenue Sub-Division Officer, or Divisional Officer of the Excise Department or an Assistant Commissioner specially authorized by the Deputy Commissioner in that behalf.

III. The results of sales shall be reported to the Excise Commissioner without delay.

IV. The terms and conditions of sale and the issue of licenses shall be as follows :—

1. The exclusive privilege of selling toddy in each shop or group of shops, as may, from time to time, be notified by Government, shall be put up to public auction at upset prices, and except as hereinafter provided, knocked down to the bidder offering the highest amount of rent above those prices. The licensee is not required to make any additional payment on account of local cess. The officer conducting the sale shall be at liberty to revise when necessary, the grouping of shops and to accept or reject any bid at discretion, or to sell the said privilege in any particular case by means of tenders or by private negotiation, or to sell the privilege in any coffee estate to the planter for a fixed amount not less than Rs. 12 per shop. The sale in every case shall be subject to the conditions hereinafter set forth, and shall, unless revised by Government, take effect upon formal confirmation by the Deputy Commissioner. Should there be no bid above the upset price, the officer conducting the sale may lower the upset price at discretion. The condition and character of intending bidders may be enquired into; and the officer conducting the sale may, at the time of sale, refuse to receive the necessary deposit, which gives the right to bid, from persons regarding whom the result of such enquiries is not satisfactory. No former licensee who has been guilty of an infringement of the terms of his license or of the Excise Laws in force shall be entitled to bid. The officer conducting the sale shall not be bound to accept the highest bid, should he consider it to be so extravagantly high as to afford apprehension of the licensee breaking down.

2. Parties intending to bid must attend either in person or by duly authorized agents; and no person shall be permitted to bid either on his own behalf or on account of any one else until he has made a deposit of Rs. 10 in the case of individual shops, or Rs. 25 in the case of groups of shops, or such other reasonable amount as may be fixed by the officer conducting the sale. Such deposits will be returned at the close of the sale.

3. The successful bidder must, on the exclusive privilege being knocked down to him, and before the next shop or group of shops is put up for sale, deposit a sum equal to one-twenty-fourth part of his bid for the year, that is to say, one-half of the monthly rent; and within fifteen days of the confirmation of the sale by the Deputy Commissioner being notified to him in writing, he must deposit such further sum as, with the former deposit, will make up an aggregate sum equal to three months' rent. Within ten days after the expiry of the period allowed for making the deposit of three months' rent as above, the purchaser of the exclusive privilege shall execute an agreement binding himself and so much of his movable and immovable property as may be deemed sufficient to observe the conditions hereinafter set forth, as well as those specified in the license to be issued to him; and his surety, if any has been accepted under the next following para, shall execute a bond in the prescribed form binding himself and so much of his movable and immovable property as may be deemed sufficient by the Deputy Commissioner, for the due fulfilment by the purchaser of the terms of his agreement. If default is made in making the deposit or deposits or in executing the agreement or the security bond if any within the time allowed therefor by this para, the exclusive privilege shall be forthwith re-sold or otherwise disposed of by the Deputy Commissioner at the risk of the first purchaser, who shall forfeit to the Government any deposit or deposits already made by him and shall further be liable to make good any loss by the re-sale or other disposal but shall not be entitled to any gain, by the re-sale or other disposal. In the case of the purchaser's death after the confirmation of the sale, it will be binding on his heirs or assigns.

4. The deposit made under the preceding para shall be either in cash or in Government of India Securities or Mysore Debentures duly endorsed in favor of the Deputy Commissioner. Provided that in lieu of a deposit of three months' rent as above, the Deputy Commissioner may, in his discretion, allow any purchaser to deposit one month's rent as above, and to furnish approved personal security for an amount equal to four months' rent, or to deposit two months' rent and to furnish personal security for an amount equal to three months' rent. In all cases, where the monthly rent does not exceed rupees ten, a cash deposit equal to three months' rent

shall invariably be taken, and no personal security shall be demanded or accepted. If the purchaser shall be found to be a foreigner having no property in the Mysore State or to be of doubtful solvency, he may be required to deposit twice the prescribed sum or to get a surety or sureties, residents of and possessing property in the Mysore State, to execute a security bond for the due payment of all moneys that may become due by him under the terms of the contract.

5. As soon as the agreements and bonds have been executed, the Deputy Commissioner will issue a license in the prescribed form A, assigning to the purchaser the exclusive privilege referred to therein, subject to the following conditions:—

(i) For the supply of toddy to his shops, the licensee shall have the privilege of obtaining, subject to Tree-tax Rules, toddy-yielding trees in the groves assigned to his shop or group of shops; and he shall be at liberty to manufacture toddy from the trees in private lands, under private arrangements between himself and the owners of such lands. He may purchase toddy from any other licensed toddy shop-keeper on application to the Inspector who will grant the necessary permits on proof of the necessity for the same.

(ii) The exclusive privilege shall extend to the sale of date, palmyra, cocoanut, bagani and dadasal toddy. But in tracts where both date and bagani toddy shops exist, the licensee of the date toddy shop shall not tap bagani trees, and the licensee of the bagani toddy shop shall not tap date trees; but both licensees can tap any of the other palm trees named above.

(iii) The amount of rent shall be payable into the local Government Treasuries on printed chellans (in Form B appended), in equal monthly instalments commencing from 1st July of the year to which the license relates. But if the amount of annual rent for any shop does not exceed rupees five, the whole of it shall be paid in the first instalment. Each instalment shall be regarded as the rent for the month in respect of which it is payable. Each month's rent shall be payable on or before the 20th of the same month. If default is made, the Amildar may, with the sanction of the Deputy Commissioner, by record in writing, cancel the license, order the forfeiture of all deposits made by the defaulter, and proceed to re-sell or otherwise dispose of the shop or group of shops at the defaulter's risk as soon after the last day of the month as may be possible. Provided, however, that instead of re-selling the same, as above, the Deputy Commissioner may, in his discretion, direct the Amildar to issue licenses to sub-vendors or vendors under the defaulting licensee for rents the aggregate of which is not less than the rent the defaulting licensee had agreed to pay.

(iv) The deposit made by the licensee shall be taken in payment of the instalment due in the last month or months of the period of the license. All arrears and deficits payable by a licensee shall with interest at 6 per cent per annum be recoverable from him or his surety under the rules in force for the recovery of land revenue. Interest shall be calculated on all arrears from the date of default and on deficits from the date of re-sale.

(v) If the Deputy Commissioner does not confirm the re-sale, he may make such other arrangements as may appear advisable for the remainder of the period of the license, in which case he shall serve a notice on the defaulting licensee informing him of the nature of the arrangements made.

(vi) Toddy shall not be sold to the public, at less than the retail rates, from time to time notified by Government.

(vii) Toddy shall be sold pure as drawn from trees and shall not be adulterated or diluted in any manner in the shops, or depots if any.

(viii) If the licensee of a group of shops wishes to establish a depot for depositing toddy required for distribution to his shops, he shall obtain a license for it in the appended form C. The licensee of the depot shall keep true accounts of the quantity of toddy received in the depot and issued to the shops. The passes issued with the toddy transported shall be subject to examination and check by the officers authorized on this behalf.

(ix) Toddy shall not be sold except in shops duly licensed by the Deputy Commissioner in the prescribed form A, and no new shops shall be opened without the previous sanction of the Excise Commissioner. Tree-foot sales or sales in the open or the disposal of toddy in any other manner, unauthorized by the Rules, are strictly prohibited. Provided, however, that in bagani tracts the licensee who has purchased the right of vend of bagani toddy, may permit the tapping of bagani trees for domestic consumption, as well as for sale, within the limits of the village purchased by him. The licensee of each shop will be required to keep an account of the receipts and expenditure of toddy in his shop.

(x) The Deputy Commissioner may, whenever he thinks fit, direct any shop or shops to be closed, or permit transfers of shops from one place to another within two hundred yards of the original sanctioned site.

(xi) The licensee shall not, during the term of the license, have any interest in the exclusive privilege of vending arrack within the taluk in which his shop is situated; nor permit any person having interest in the exclusive privilege of vending arrack in the taluk to hold any share or interest in his exclusive privilege of selling toddy, nor shall he, during the term of his license, without the written permission of the Excise Commissioner, have any interest, direct or indirect, in any toddy shop or farm outside the territories of Mysore.

(xii) The licensee shall be bound by the provisions of the Excise Law and Rules thereunder for the time being in force and by the terms and conditions of the license. The licensee shall use such measures of capacity as may from time to time be prescribed by Government, and provide himself with permits for the transport of toddy. Printed forms of permits may be purchased from Excise officers.

(xiii) The license shall not be transferable except with the permission of the Excise Commissioner.

6. Tree-tapping licenses in the prescribed form E or E (1), as the case may be, shall be issued on the application—

(*a*) of licensed toddy shop-keepers, or of their duly authorized agents;

(*b*) of toddy shop-keepers in British Territory desirous of obtaining toddy from trees growing in the Mysore Territory, but free from payment to the Mysore Government of the tree-tax prescribed in para 14 below; and

(*c*) of tree-owners in coffee estates, hittals and kans in the malnad, free of the prescribed tree-tax for drawing toddy for *bona fide* domestic purposes as per Government Order No. 11897-906—Ex. 485, dated 20th June 1898, for such number of trees as may be found necessary by the Excise Commissioner.

The licenses may be issued in the name of the applicant himself or of his nominees.

7. Applications for the grant of tree-tapping licenses must be made, in the prescribed form F, to the Excise Inspector of the Range concerned, through the local Treasury. Forms may be obtained from him or the Assistant Inspectors under him.

8. Applications for tree-tapping licenses, for trees in occupied or alienated lands, should be countersigned by the owner of the trees intended to be marked, in token of his consent. Applications for tree-tapping licenses for trees in State Forests and Plantations should be countersigned by the Forest Range Officer in token of his consent.

9. Persons applying for the issue of tree-tapping licenses will be responsible to Government for all sums payable as tree-tax on account of the trees licensed therein to be tapped, and also to tree-rent in the case of trees on Government unoccupied lands.

10. On receipt of an application, the Inspector will at once take steps for the marking of the trees by an officer superior in rank to a Sub-Inspector and for the timely issue of the license. Applicants for trees shall point out to the marking officer, when required by the latter to do so, the trees applied for by them. Should they fail to do so, after reasonable notice, the tree-tax and tree-rent paid by them shall be liable to be forfeited at the Deputy Commissioner's discretion.

11. Deputy Commissioners may, subject to the orders of the Excise Commissioner, from time to time, prescribe the minimum number of trees for which licenses will be granted and the minimum number to be entered in a single application. They may also direct that the trees situated in one village only shall be included in an application.

12. No trees shall be tapped, nor shall toddy be drawn from any toddy tree, nor shall any pot be attached to any toddy tree, until the tree has been marked by the proper officer. But the removal of leaves for the purpose of making incisions and the preparation of the spathes or incisions for the drawing of toddy is permitted as soon as the application in the prescribed form has been delivered to the Treasury.

13. For all toddy-yielding trees, tree-tapping licenses shall be annual. For the convenience of applicants, applications for tree-tapping licenses will be received, trees will be marked, and licenses will be issued during the fifteen days and pots may be attached to such marked trees during the five days immediately preceding the period, to which they relate, to take effect from the commencement of such period, provided that no toddy shall be removed from the trees except during the currency of such license.

14. No tree shall be tapped for toddy without a license therefor, to be obtained by payment of tree-tax at the following rates, or at such other rates as may, from time to time, be prescribed by Government:—

Tree.	Tree-tax per annum for each tree including local cess. Rs. a. p.
Date	1 1 0
Cocoanut	2 2 0
Palmyra	1 9 6
Bagani or Sago Palm	1 9 6
Dadasal (Arenga wightli)	0 8 6

NOTE.—The licenses will be free of tax to the Mysore Government in the cases specified in para 6 (*b*) and (*c*) above.

15. In addition to the above tax, tree-rent at annas four per tree per annum or at such other rate as may from time to time be fixed by Government, with local cess thereon; shall be

paid for all Government trees tapped for the supply of toddy shops whether within or outside the Mysore Territories or in the Civil and Military Station of Bangalore.

NOTE.—No trees upon Government occupied land can be tapped without the consent of the owner. The present arrangement as regards trees on alienated land will hold good, subject of course to the levy by Government of tree-tax.

The amount shall be credited to the respective Departments concerned.

16. The tree-tax and tree-rent (with local cess on both the items) shall be payable on printed chellan as per appended form D, in the following instalments, unless the Excise Commissioner shall otherwise direct :—

Period within which license is applied for.	Proportion of tree-tax and tree-rent to be paid at the time of application for license.	Proportion of tree-tax and tree-rent to be paid before the end of the month following.
Between 1st July and 30th April.	One-third	The remaining two-thirds. But if the number of date, cocoanut and palmyra trees applied for, be ten or less than ten, and of bagani and dadasal trees be five or less than five, the whole amount of tree-tax payable thereon shall be paid with the application.
Between 1st May and 30th June.	The whole	None.

17. Under the arrangement which has been arrived at with the Government of Madras, the tree-tax on toddy produced by the trees in the Madras Presidency but consumed in the Mysore State, will be credited to the Mysore Government, and *vice versa*. The rate of tree-tax to be paid in such cases will invariably be the highest in force on either side of the frontier. The following procedure shall be observed on the subject :—

(i) Tree-tax on trees in the Madras Presidency for which tapping licenses are about to be taken out by Mysore shop-keepers, must be paid in one instalment to the Amildar of the taluk concerned in the Mysore State, who will grant a receipt in the prescribed chellan form D (a) and certify at the foot that the applicant is a person entitled to take out tree-tapping licenses. The applicant will then make his application to British authorities in accordance with the Madras Government Tree-tapping Rules and will obtain a transport permit from the Inspector concerned in the Mysore State for the tra[illegible] of the toddy drawn from the frontier to the shop or depot for which it [illegible] complied with all requirements of the Madras Government Rules.

(ii) A shop-keeper or renter in the Madras Presidency desiring to obtain toddy from trees growing in the Mysore Territory, will pay into the Tahsildar's Treasury concerned, in the Madras Presidency, the tree-tax on the trees which he proposes to tap. The Tahsildar, after satisfying himself that the applicant is a person who is entitled to take out a tree-tapping license, will grant a receipt with this fact certified at the foot.

(iii) The applicant will then proceed to make an application to the proper Mysore authorities in accordance with the Tree-tapping Rules in force in the State. The Mysore authorities concerned will accept the receipt and certificate as evidence that the amount mentioned has been paid, and that the applicant is a person by whom an application for a tree-tapping license may be made. It must, however, be distinctly understood that licenses may be refused at discretion in the case of trees reserved by the Excise Department for the purpose of giving them rest or for other reason considered sufficient by the officer refusing the license. The issue of licenses, marking of the trees, &c., will be effected in precisely the same manner as if the applicant were a shop-keeper in the Mysore State, the number of trees to be licensed being calculated at the higher rate of the tree-tax, whether British or Mysore, if the rate is not the same on both sides of the frontier.

(iv) The Inspector concerned in the Mysore State will issue transport permits to the frontier in the usual way, care being taken, as far as possible, to prescribe a route which does not involve the toddy approaching any Mysore toddy shops. The latter should not be located along any of the main routes by which toddy is exported to the Madras Presidency, if it can be avoided; and the attention of the Deputy Commissioner concerned should be invited to the desirability of removing adjacent shops to a distance. It will be for the British officer to grant permits from the frontier on to the destination of the toddy.

(v) Transport permits for toddy exported by rail will be given in batches of seven or any other requisite number, one for each day, to allow of a transport permit being invariably attached to the way-bill.

18. In the tree-tapping licenses in the appended form E (1), granted on the application of British renters and shop-keepers, the following rule will be inserted :—

"All toddy drawn by the licensee shall, as soon as the pots containing it are removed from the trees, be immediately conveyed direct across the frontier into the Madras Presidency, under a general transport permit granted by the Deputy Commissioner of the District or other

duly authorized officer or person. Transfers of toddy, even by way of gift, between the time of drawing and crossing the frontier, and tree-foot sales or, sales in the open, or the disposal of the toddy in any other manner unauthorized by the Rules in force, are strictly prohibited."

19. Licenses to British shop-keepers to tap trees in the Mysore State are granted in consideration of the payment of tree-tax to the British Government, and are liable to cancellation at its request, or that of any officer duly empowered by it in this behalf.

20. Toddy drawn from British trees may be allowed to pass across Mysore Territory on permits granted by British officials, provided they are countersigned by the Inspector of the Range in Mysore Territory through which the toddy is being transported.

21. Every person to whom a tapping license is granted for the manufacture of toddy, either for local consumption or for export to British Territory, shall observe the following rules in tapping date trees:—

(*a*) Date trees shall be tapped only by professional men.

(*b*) Trees tapped one year shall not ordinarily be tapped the next year.

(*c*) Trees shall not be overtapped or overworked.

(*d*) In no date tree shall the initial incision be made at any point less than three feet from the ground, except in places where permission is specially given.

(*e*) The depth and width of the incision shall not exceed one-third of the diameter of tree and the length of it shall not exceed eight inches.

(*f*) Every fresh incision shall not be less than one foot above the last incision, except in localities where permission is specially given.

(*g*) The central spike-like clusters shall not be touched. Of the lateral leaves, not less than two layers of leaves shall be left, reckoning from the layers immediately next to the central clusters down to the top line of the incision; or in other words, above the top line of the incision not less than eight leaves shall be left excluding the central spike-like clusters on that face of the tree on which the incision is made.

(*h*) The licensee shall not cut or injure or permit to be cut or injured the trees licensed to him, or any other trees.

(*i*) The licensee or his employer will be liable to pay a fine of one rupee for each tree in excess of three per cent of the number of trees marked for him, which may die from over-tapping or careless tapping either during the [illegible] within six months after its expiration.

22. In every grove where toddy [illegible] der shall always be kept by the tapmen to enable Excise officers to examine incisions [illegible] es as the case may be or to measure the incisions.

23. In case of any breach of the aforesaid Rules or of the conditions of the license either by the licensee, or with his connivance or privity by any person in his employment, or in the event of the licensee neglecting to open his shops or to carry on his business with due care and attention, it shall be competent to the Deputy Commissioner to impose upon the licensee a fine not exceeding the sum of Rs. 50 for every such breach or neglect or at the option of the Deputy Commissioner to declare the money deposited with him forfeited, and also to cancel the license, and to re-sell the exclusive privilege or otherwise dispose of it at the risk of the licensee or to place it under the management of Government. When a license is cancelled, the rent for the whole period of the license shall become due at once; and all loss caused to Government by the cancellation of the license or by the re-sale or other disposal of the privilege shall be made good by the licensee or his surety in the manner specified under para 3 of Rule IV above. All sums thus due shall be recovered in the same manner as if they were arrears of land revenue.

24 The imposition of a fine, or the forfeiture of a deposit, or the cancellation of a license under the last preceding condition, shall not be held to prevent the prosecution of the licensee or his agents or employees for any offence punishable under the law for the time being in force.

PART II.

V. The chellan B referred to in clause (iii) of para 5 of Rule IV shall be in triplicate. One copy shall accompany the Treasury "daily cash" account sent to the District Treasury, another being forwarded by the Taluk Treasury Officer to the Deputy Commissioner's office and the third retained with the licensee.

VI. The amounts paid into the Taluk Treasury as per chellans B and D and D (a), under cause (iii) of para 5 of Rule IV, and under paras 16 and 17 (i) of Rule IV, shall be credited at once to the appropriate budget head under "Excise Revenue," and the local cess to the head "Local Cess on Excise Revenue." The District Treasury Officers shall furnish the Excise Commissioner with monthly statements of realizations on account of the several items of shop-rent, tree-tax, tree-rent, and local cess under separate headings by dates, in the form prescribed by the Comptroller.

VII. On receipt of the duplicate chellans referred to in Rule V and in paras 16 and 17 (i) of Rule IV, at the District office, they shall be compared and verified with the figures in the monthly Abkari Revenue Statements Nos. 6 and 6-A received from the Amildars. The Statements Nos. 6 and 6-A compiled for the whole district together with the above chellans as well as T. T. 6 Statements received from Excise Inspectors shall then be forwarded to the Excise Commissioner's office, where they shall be compared and verified with the Treasury monthly statements. The Excise Commissioner shall thereupon prepare Statements Nos. 6 and 6-A for the whole State and send them to the Dewan's office after obtaining the Comptroller's certificate of credit.

VIII. The duties to be performed, and the accounts, diaries and reports to be furnished by all officers and Amildars, the executive members of the Excise Department, and village officials, shall be such as may, from time to time, be ordered by the Excise Commissioner.

IX. Except as otherwise provided, all orders passed and proceedings taken by officers of the Excise Department under the provisions of these Rules, shall be subject to appeal to their immediate superiors, within two months from the date of the passing of such orders or proceedings.

X. The officers of the Excise Department, and licensees or their agents shall conform to such rules of practice as may, from time to time, be issued by the Excise Commissioner, not inconsistent with the provisions of the Excise Regulation and these Rules.

XI. The following persons are hereby empowered to grant passes or permits for possession or transport of toddy in such forms as may be prescribed by the Excise Commissioner :—All the members of the Excise Department not below the rank of Sub-Assistant Inspector, Assistant Commissioners, Amildars and Sheristadars, and Shekdars, and licensees of shops or their agents.

XII. Date trees for tapping for the purpose of extracting toddy shall be reserved. Licenses for cutting and removal of leaves by professional rope-makers, basket-makers, &c., and by agriculturists, under such rules as may be issued by Government, shall be restricted only to the groves or trees not reserved for the purposes of toddy revenue, and may extend in reserved groves to the removal of date leaves cut by licensees for the purpose of drawing toddy.

XIII. The Magistrates convicting any persons under section 55 of the Excise Regulation of unlicensed or illicit tapping or illegal manufacture of toddy, shall furnish copies of calendars or other information of such convictions to the Amildars of the taluks concerned.

XIV. The Amildars, on receipt of such calendars or information, shall collect the tree-tax and tree-rent (with local cess thereon), due on the toddy-yielding trees proved to have been illicitly tapped.

XV. The trees illicitly tapped shall not be marked unless they are duly applied for by the offenders. If they apply for them, and there is no objection to the issue of a tapping license, the trees may be marked and dealt with in the usual course under the Tree-tax Rules, provided that, if the amount of tree-tax and tree-rent has already been collected, further demand therefor shall not be made by the Amildar.

By Order,
L. ANANTASAMI RAO,
for *Secy. to Govt., Gen. Rev. Depts.*

MYSORE EXCISE DEPARTMENT.

T. 1.]

A.

RETAIL LICENSE GRANTED TO INDEPENDENT TODDY SHOPS OR GROUPS OF SHOPS IN THE DISTRICT OF .....

Register No .....
Name of license-holder .....
Name of vendor or shop man .....
Locality .....
I .....
Deputy Commissioner of the District of .....
under the provisions of the Excise Regulation, V of 1901, hereby appoint you .....
son of .....
residing at .....
to be the Licensee of the exclusive privilege of vending Toddy in the shop or groups of shops of .....in the Taluk of .....
in the District of ..... from the 1st day of 190
to the ..... day of ..... 190 subject to the following Conditions and Stipulations to be observed by you, the said .....

CONDITIONS AND STIPULATIONS.

1. The exclusive privilege conferred by the license extends to the vend of Date, Palmyra, Cocoanut, Bagani and Dadasal toddy. But in tracts where both Date and Bagani toddy shops exist, the licensee of the Date toddy shop shall not tap Bagani trees, and the licensee of the Bagani toddy shop shall not tap Date trees, but both licensees can tap any of the other Palm trees named above.